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**From:** Doyle, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1B7C5B6B63B54E1CB4044A0A8CE993A6-DOYLE, JAMES]  
**Sent:** 12/4/2018 5:53:22 PM  
**To:** NWard-Willis@kblaw.com  
**CC:** Ludmer, Margo [ludmer.margo@epa.gov]; Gaughan, Daniel [Gaughan.Daniel@epa.gov]  
**Subject:** Canadian Radium and Uranium Site

Dear Mr. Ward-Willis, I am writing to reply to your letter of November 9, 2018, and to reiterate EPA's position regarding our request for access from your client and its response regarding its property on Kisco Avenue in Mount Kisco, New York. By way of background, we have been in discussions with you over your client's willingness to provide consent to EPA to access its property since May of this year, but your client has withheld such consent based on certain pre-conditions it has insisted upon.

As has been described to you, EPA's express national policy regarding requests for access is that conditions placed on a grant of access are deemed a denial of access. I mention this because, in the first paragraph of your letter, you state that your "... clients continue to agree to provide access ... but wish to have confirmation as to the terms upon which access will be granted..." You then go on for a page to itemize four pre-conditions to access that EPA has discussed with you on multiple occasions, discussions during which we explained why we cannot accept your conditions. In accordance with our policy, this does not constitute an agreement to provide access, as you represent in your letter, but a clear denial of access.

We see no point in continuing to rehash the merits of our positions regarding your client's pre-conditions. Your opinion on our safety concerns for our personnel and contractors notwithstanding, we find your view that EPA should not be considering the financial implications of your client's pre-conditions to access during our discussions to be odd. Certainly, we have a responsibility to consider cost in our actions, and thus cost is a relevant factor in many decisions. Months-long delays in obtaining information regarding potential public health risk is another factor.

Our stated position is that your client's pre-conditions to access are not reasonable. They will cause delay, result in additional cost, and pose additional safety concerns for our workers. We are left with no alternative but to evaluate our enforcement options regarding access to your client's property.